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7
8 UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF NEVADA

10 SAGUDAY BUENO and THOMAS BUENO,
as husband and wife,

Case: 2:10-cv-01899-PMP-RJJ

11 Plaintiffs,

12 vs.

13 BANK OF AMERICA, a foreign corporation;
14 RECONTRUST COMPANY, a Nevada
corporation; et al.,

**ORDER CONCERNING MEDIATION
AND INTERIM PAYMENTS**

15 Defendants.

16 Pursuant to Court Order dated February 22, 2011 [Dkt. #21]:

17 IT IS HEREBY ORDERED that:

18 (a) The foreclosure of the property located at 8385 Benidorm Avenue, Las Vegas,
19 Nevada, Parcel 176-28-115-0058, is prohibited for 90 days from the date of this
20 Order, contingent on the following;
21 (i) Plaintiffs shall make mortgage payments of \$2,592.00 on or before April 1,
22 2011; \$2,592.00 on or before May 1, 2011; \$2,592.00 on or before June 1,
23 2011, while the injunction is in place. Plaintiffs' payment are to be sent to
24 Bank of America, C/O J. Christopher Jorgensen, Lewis and Roca LLP,
25 3993 Howard Hughes Pkwy., Suite 600, Las Vegas, Nevada, 89169; to be
26 placed in the Trust Fund of Lewis and Roca until the completion of this
27 litigation or other court order directing its release;

(b) The parties are to return to the state mediation program under the following conditions:

- (i) Plaintiffs must provide Defendants with all necessary financial information/documentation so a loan modification can be processed;
- (ii) Defendants must have an individual, with loan modification authority, present at the mediation and provide all documents required by the state mediation program;
- (iii) At the mediation, Plaintiffs are prohibited from making any argument regarding “original note,” securitization, existence of the loan, or any other vapor money theories, as contained in their Complaint; and
- (iv) The purpose of the mediation is only to determine if Plaintiffs qualify for a loan modification and if a loan modification can be agreed to.

IT IS FURTHER ORDERED that this case is not stayed, and Defendants are permitted to proceed with the filings of any pleadings; and

IT IS FURTHER ORDERED that if Plaintiffs do not make the required payments by the dates set forth in this Order, the injunction prohibiting foreclosure will be immediately lifted, without the need of a subsequent court order, and foreclosure can commence.

Chip M. Orr

U.S. DISTRICT COURT JUDGE
DATED: March 11, 2011

Respectfully submitted by:

LEWIS AND ROCA LLP

By J. CHRISTOPHER JORG
Attorney for Defendants